






COMMISSIONERS APPROVAL

ROKOSCH 
GRANDSTAFF 
THOMPSON 
CHILCOTT 
DRISCOLL 

PLETTENBERG (Clerk & Recorder)

Date.....July 3, 2007

Members Present.....Commissioner Jim Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Minutes: Glenda Wiles

The Board met with Environmental Health Director Lea Jordon in regard to a budget roll over in the salary line. Due to the Health Director's vacant position for several months, there are some substantial monies left over. She would like these monies rolled over into the Environmental Health salary line in order to pay for research, education and grant writing. She can update her staff training and responsibilities which she also believes will help in the revenue line because they can do more DEQ review. She indicated growth in the valley is a 'hit' to her department and they need to prepare for these.

Commissioner Chilcott indicated the DEQ revenues were projected too high. His thoughts were to utilize the salary savings for that off-set. Lea stated she does not have those figures but she will obtain them. She indicated the State has advised her they are satisfied with the County's review and all she needs to do at this point is take her test. After that, she anticipates increasing that work for the state.

Commissioner Thompson indicated the two sanitarians have consistently requested an increase in salaries. The Board will want to review any requests for a salary increase. She stated the monies could also be utilized for salary increases by upgrading their job function and job responsibility. Lea would like to see some restructuring in her office.

Commissioner Driscoll asked about the grants Lea might be looking for. Lea stated Theresa obtained a \$2,500 grant for education in water quality. She would like to seek a grant to obtain data for water quality testing, education and air quality review.

Commissioner Chilcott noted the figures for the budget in April reflected \$57,000 left over. Lea has the June budget which includes a portion of the monthly salaries by which she estimates \$25,000 might be left over for this requested roll-over.

Commissioner Chilcott made a quick review of the revenues. He estimates they might be about \$40,000 shy of meeting their anticipated revenue. Lea stated the less staff they have, the less ability to meet those anticipated revenues.

Skip indicated he worked with the previous Environmental Health Director in regard to positions within the department. He felt it is prudent to restructure this department, which includes a revised personnel budget and it will hopefully include this money. He stated he feels this restructuring will help the Environmental Health Department actually bring in more money.

Commissioner Driscoll stated they need to keep a close review of the monies spent compared to the monies brought in.

Commissioner Chilcott relayed he would like to see more of these numbers and asked Skip to assist Lea in the restructuring portion of the positions.

Lea indicated the history of the Environmental Health Department is they normally do not obtain a replacement Sanitarian. She noted the ground water monitoring employee will make an excellent sanitarian and she hopes to help in that transition. The office is also losing one of the staff secretaries.

Commissioner Driscoll stated she is a member of the State Board of Sanitarians. She knows from experience the Sanitarians are being 'grabbed up' around the state due to their expertise.

Commissioner Chilcott stated he would like to see a full picture of the budget, not just the revenue side. Discussion occurred in regard to encouraging Lea in her endeavors so that office moves forward. However, the policy has been that the Commissioners do not roll over salaries and wages. Commissioner Driscoll stated they should be able to review each department needs. Commissioner Chilcott stated he is uncomfortable making any kind of a motion without the full picture.

Skip indicated any move forward at this time would be a revision of the personnel budget which would include upgrades and a review of the secretarial positions.

Commissioner Rokosch asked when the fiscal year figures would be completed/closed out. Glenda noted there is still a claim run for FY 2006 that will be done the middle of July.

It was agreed Skip will work with Lea in order to target the restructuring of the office which will not exceed the final salary roll-over amount.

Commissioner Thompson agreed this is a unique situation, but noted there is a policy of this salary roll-over. He agrees Skip should work with Lea in this regard as this discussion has occurred many times in the past.

In other business, the Board met with Justice of Peace Robin Clute to review a request of obtaining a Collection Bureau Contract. Also present was Charlene Murray, Administrative Assistant to Robin Clute and Civil Counsel Alex Beal. Robin stated other counties such as Missoula and Yellowstone use this company (Collection Bureau) for the collections of 'fine' money. She stated if the Commissioners approve this contract; it will expedite her office work on the Petitions to Revoke on Probation due to their Failure to Comply. The office staff tracks these people and if they do not comply within a certain time frame, she loses her jurisdiction and thus her money. She would like to utilize this Collection Bureau Company to perform the tracking and collection of fines. Depending upon the fine date (October 1, 2003), this company would obtain 25% of the monies they collect. Post October 2003, any money collected will be given to Justice Court with the company taking the extra monies from the person.

Robin stated she tries to collect the fine during the probationary period. They even take credit cards. However, once that person is off probation she has no jurisdiction and can not recover the money. This Collection Bureau Company can go after the collection of monies after the probation ends. This would also free up her staff to handle the new cases they are receiving.

Commissioner Thompson asked Alex if it causes any legal problems with Justice Court No. 1 having this contract for services and not Justice Court No. 2 not having a contract. Alex stated it causes no problems.

Commissioner Chilcott made a motion to approve of the Contract for Collection Services with Collection Bureau Service, Inc. Commissioner Grandstaff seconded the motion and all voted "aye".

In other business Bill Rothie and Tom Grimes of Daly-Leach Memorial Chapel met with the Board in regard to a request of indigent burial monies. Kelly Weaver passed away on June 22, 2007. Kelly was 43 years old and was on disability for over 20 years due to the disease MS. Kelly was a resident of Hamilton. Social Security does not pay any funeral expenses and her only family is her mother in Iowa who also lives on social security and can not afford to pay for her daughter's funeral. Kelly's mother has authorized cremation so the total expenses would be \$798.00. Bill indicated they are not aware of any assets Kelly might have in order to assist in the costs. It was noted an agreement between the Commissioners and the Ravalli County Funeral homes for county assisted funerals is in place. This request of \$798.00 is within the agreement.

Commissioner Chilcott stated this is why the agreement is in place and this should be paid. Commissioner Chilcott made a motion to pay this \$798.00 for indigent burial cremation services for Kelly Weaver. Commissioner Driscoll seconded the motion and all voted "aye".

The Board met for various administrative matters which included the following:

Commissioner Chilcott made a motion to execute the DEQ contracts for Public Water Supply modification and Modification of the DEQ contract for water supply, wastewater, Storm Water in Subdivisions. Commissioner Thompson seconded the motion and all voted "aye".

Commissioner Thompson made a motion to grant final approval to the Giles Expedited Subdivision based upon the letter from the Planning Staff showing the conditions of this subdivision have been met. Commissioner Driscoll seconded the motion and all voted "aye".

Administrative Director Skip Rosenthal brought forth the facility inventory/approval of the Americans with Disability Act (ADA). This approval shows the recent assessment of the county facilities making sure the compliance was being met. Commissioner Grandstaff made a motion to approve. Commissioner Thompson seconded the motion and all voted "aye".

Minutes: Beth Farwell

In other business the Board continued their public hearing on the Mountain View Orchards, Block 2, Lot 16A. Planners Vanessa Perry, Renee Van Hoven and Jen DeGroot were present as well as several members of the community.

Commissioner Rokosch called the meeting to order. He gave a review of the previous meeting and where the discussion had ended. Commissioner Rokosch called for any additional comments on the review criteria that would help the Board make a decision.

Jeff Peters stated they will pave from Bailey Lane up to the subdivision, and they would pay a pro rata share for the remaining road. Commissioner Thompson questioned the cost of paving the road. Jeff replied the manner in which it is 'divided out' is a fair amount. The cost to pave is \$20,000. Renee added that not only would Jeff be meeting the requirement of the pro rata, but he would then pay a pro rata on Bailey Lane.

Commissioner Rokosch questioned the school district contribution of \$250.00 per lot. Jeff stated he would contribute \$1,000.

Commissioner Chilcott noted there is an easement extension to the north of this subdivision and if the northern area is ever developed, Jeff could recover some costs for the road improvements. Commissioner Thompson stated Planning already has a statement about 'the joining (or connection) of the road. Renee added there isn't an existing road, rather it is an easement.

Commissioner Chilcott suggested Planning define on the plats there can not be trees planted, shrubs or signage that would limit the vision of traffic at approach intersections.

Commissioner Grandstaff asked why the Park Board did not respond to this subdivision. Commissioner Thompson replied the Park Board met with the developer/consultant and did a walk through on the property. It was agreed that a play area between lots 2 and 3 will have some benches on it. They also noted the area is wet. To the west of this area there is a spot that can be developed into a park and the Park Board has accepted this as Park Land. Jen added it is Exhibit A-4 in the staff report.

Commissioner Driscoll asked if the property owners could be notified that there are no walkways. Renee replied they could certainly do this.

Commissioner Chilcott made a motion to approve Mountain View Orchards, Block 2, Lot 16A requiring paving Birch Creek Loop to the entrance of the subdivision, a pro rata share adjustment for Birch Creek Loop and increased school contribution of \$1,000 per lot, paid upon first conveyance of lots, including lease or rent. Commissioner Thompson seconded the motion.

Commissioner Rokosch noted he is concerned about the covenant regarding one horse per acre. It seems a bit too dense to have that many horses. Jeff replied that is something that he can keep an eye on and change the covenant if need be.

Commissioner Rokosch expressed his concerns regarding the school contributions being payable on the sale of the lots. His preference is for it to be paid on final plat approval. Jeff replied that it is his intension to pay the school contributions when the lots are sold. It is how he has always done it and he prefers to keep it that way.

Commissioner Rokosch called for any further discussion, hearing none. All voted 'aye'.

The Board continued their public hearing on the Hamilton Heights, Block 14, Lots 14-15. Planners Vanessa Perry, Renee Van Hoven, and Randy Fifrick were present as well as several members of the community.

Commissioner Rokosch called the meeting to order. He gave a review of the previous meeting held on June 19, 2007. The Board was in deliberation at the previous meeting and will continue from that point.

Commissioner Rokosch stated his concerns in regard to the pond and wetland area being shared by two lots. He asked if there should be an agreement between the two land owners in regard to managing the pond and taking responsibility for it.

Commissioner Driscoll reiterated the need to figure out the slope and the fence area. Commissioner Thompson stated the developer graded the area out and made it into more of a beach. With the fence in place the hazards for small children have been mitigated.

Commissioner Grandstaff asked the developer to add this to the covenants.

Commissioner Rokosch stated Brooks has indicated he would be willing to look at the re-vegetation along the bank that will be graded.

John Kellogg stated he had contacted Kellieann of the Weed Board. She indicated her concern is making sure the vegetation takes hold enabling the natural grasses to grow. Kellieann's recommendation was to irrigate the area after seeding with a pasture mix. This should be reseeded each year until the desired growth takes place. It was noted the cattails and wetland vegetation moves south and up the property adjoining to the properties on the east side.

Commissioner Rokosch asked if there would be more vegetation when they graded the slope. John replied the Weed Board's recommendation did not address that, and if the Board wanted to make any recommendations they are willing to review that. Renee indicated if they choose to require something more, it would be a good idea to have that language approved today. Commissioner Chilcott stated he is satisfied with the grass being more of a lawn, as the people will be using it for recreation. Commissioner Grandstaff suggested that no herbicides and fertilizer application be added to the covenant language, and perhaps that will solve the problem. Commissioner Thompson stated he understands their concern, but they need to understand this is a pond where water is being artificially introduced and pumped. Currently there is an existing weed patch that simply needs to be leveled off. He agreed the noxious weeds need to be removed.

Commissioner Rokosch asked if there was any irrigation being done from the pond water source. John replied the pond has been there since 1964. Commissioner Rokosch asked if there are identified water rights with this. John stated there are no water rights. Commissioner Rokosch suggested the developer drain the pond and restore the area more for habitat use. Commissioner Chilcott interjected this pond is a nice feature to enjoy and he cannot see any significant benefit in draining the pond since it is already there and has been for the past 40 years. Commissioner Grandstaff suggested a covenant that would require the pond to be maintained as 'a habitat'.

Commissioner Rokosch stated the pond is a non-permitted feature with no water rights and when the water is pooled like this, it creates a net loss as water is pulled out of the water balance. Brooks replied he can irrigate his 18 acres out of the pond at the head gate. He agreed the pond is a nice feature that already exists, but to put a fence around it would be an eyesore.

Commissioner Grandstaff agreed stating she does not like the fence at all. She thinks this area should be more of a recreational area and it would increase the value of the homes.

Commissioner Thompson asked what the covenants are in regard to animal restrictions. Brooks replied horses and cows are allowable, but no other barnyard animals.

Commissioner Driscoll asked since this is a standing pond have the issues of West Nile virus been addressed. John stated if she was referring to the need to spray mosquito, there are other properties that are affected as well.

Commissioner Thompson stated he stands by the need for a fence.

Commissioner Rokosch asked if the pond was a recreational or a habitat feature. He stated if it is a recreational feature he is concerned. Commissioner Driscoll asked Brooks what the purpose of the pond was; agricultural, habitat or recreational. Brooks replied he thinks that it would cause more damage than good to rip the pond out. It is a nice feature, and they are planning to make the area safer for children by grading the slope and re-vegetating the area. He stated it never crossed his mind to fill it in. They envision this area as being recreational for the land owners to enjoy.

Continued discussion occurred about the purposes of the pond and maintenance.

Chris stated there has not been an analysis of how much of the water is either BRID water or waste water.

Renee stated permits are required for any wetland disturbance and it needs to be done prior to final plat approval. Her issue would be to review the functional wetlands and the Bitterroot water shed.

Commissioner Thompson stated if the Board agrees not to install a fence, but to grade the slopes, he would concur with that.

Commissioner Grandstaff stated that she agrees with not installing a fence based on the fact it devalues the property and limits the recreational usage of the pond. Commissioner Rokosch stated fencing is one way habitat is protected.

Commissioner Driscoll indicated Shelley will look at restricting the animals within the covenants. She also noted there should be a warning to the hazards for the children. Shelley replied that would be no problem.

John stated the slope would be a maximum of 8 percent grade and they would re-vegetate.

Brief discussion followed regarding re-vegetation. Renee presented a map to the Board indicating the no-build zone with the exception of the grading to take place.

Commissioner Rokosch requested the language be changed to include native vegetation. Commissioner Chilcott asked if Commissioner Rokosch could clarify native vegetation. Commissioner Rokosch replied native vegetation is what is indigenous to the State of Montana. Renee stated this would be a separate covenant for that zone to include no herbicides, no fertilizer and natural vegetation.

Commissioner Rokosch stated the notifications should include information regarding West Nile Virus and any other information provided by Charmell Owens.

Commissioner Rokosch stated the school contributions need to be clarified. He has provided a copy of the impact fee study to Brooks. . It was noted in the previous meeting, a \$1,000 per lot for school contribution was discussed. Brooks replied they are still willing to contribute \$500 per lot. They donate to the school district and he is a volunteer firefighter. They are not trying to short change the county, but this is a voluntary contribution. Commissioner Grandstaff asked if the school bus turns into the subdivision. Brooks replied it comes only to Bass Lane.

Commissioner Thompson made a motion to approve Hamilton Heights Block 14, Lots 14 & 15 based on the staff report; conditions recommended by the Planning Department; and conditions mitigated here today, which includes the school contribution of \$500 per lot. Commissioner Grandstaff seconded the motion. All voted "aye".

In other business, the Board met to award the consulting services for the Planning Department. Planning Director Karen Hughes and Civil Counsel Alex Beal were present.

Karen explained the matrix for the pre-qualified consultants' pool. Her concerns are with two groups: WGM and WWC. In regard to WGM Group; her concern is a possible conflict of interest because of all the services they perform in the valley. However, they are most familiar with the county regulations. In regard to WWC, she noted their application looks weak and they do not employ as many planners. However, they have not worked in Ravalli County, so no conflict of interest should be noted.

Commissioner Chilcott indicated the consultants should be given a task and then they "go out there and do it". He stated the issue of a 'conflict of interest argument' doesn't work for him and he feels WGM has demonstrated due diligence in their work within the county.

Commissioner Thompson agrees with Commissioner Chilcott. He feels WGM is a professional organization that has previously worked with the county.

Commissioner Grandstaff requested Karen's thoughts regarding Land Solutions. Karen replied that they did not meet the minimum requirements.

Commissioner Rokosch asked Karen for her opinion of Applied Communications. Karen replied he was a former Planning Director for Whitefish. She respects him but her concern is they do a great job on the small subdivisions but they are not adequately prepared for major subdivisions.

Commissioner Grandstaff stated in regard to WGM, she is not sure they would be working for the county or for the developer. Karen replied she has worked with WGM for many years.

Commissioner Rokosch stated at this point, his preference would be to go back out with an RFP. A brief discussion followed in that regard.

Commissioner Chilcott stated the county has a certain time frame in which to comply with these subdivision reviews (due to the Ron Lords et al litigation) and any delay will not assist the planning staff. He also commented the Commissioners need to focus on the countywide zoning process.

Alex stated the timeline is the core to the litigation agreement, not who was doing it. If the county does not meet the timelines we are in breach of that agreement. He also noted the time tables were fairly tight. Karen stated she thinks with the amount of subdivisions they would be stuck somewhere in the sufficiency process.

Commissioner Thompson asked for Karen's recommendation. Karen replied there are only two consulting firms she would be comfortable with; WGM & WWC. She has worked with WGM in the past

Commissioner Rokosch asked about the difference in utilizing a 'hired gun consultant' vs. additional contract help. Karen replied they discussed those options during the settlement agreement. The reason they chose to go out for bid on a consulting firm was it gave them the ability to utilize a company that has experience with our county.

Commissioner Chilcott stated it is a county wide zoning issue.

Commissioner Rokosch stated the impact of this settlement and the processing of a timely achievement of county wide zoning is something that should have been seen. He stated it is difficult for him to articulate his anger about the position Commissioner Chilcott has placed the county in and the issue of the zoning project; when the other Commissioners were not allowed to participate in (referring to the negotiation session for the litigation). He then advised Commissioner Chilcott 'don't try to put all of this on the new Commissioners'.

Commissioner Chilcott stated that Commissioner Rokosch had requested how we got to where we are and he has explained it.

Commissioner Driscoll stated she is uncomfortable utilizing WGM Group. She realizes that Karen works well with them but does not want to 'have to choose them' because they are the only choice. She would rather slow things down, making the right choice.

Alex stated his understanding of how "we got here today was because the litigation was not going to go well for the county". The County was faced with the possibility of having a much worse situation than what the final agreement ended up being, and there was no way the planning staff could finish all the necessary work (on the pending subdivisions). He stated it is hard cram a year's worth of work into six months.

Commissioner Grandstaff stated regardless of 'how we got here, here we are'. She stated WGM is the most likely choice by default, and they have a great deal of experience in Ravalli County. Since time is of the essence, she suggested not re-issuing the RFQ.

Commissioner Rokosch asked about the time line. Karen replied they had advertised in the local newspapers, State-wide newspapers and website with the shortest time frame that Alex would allow. She stated there are other things that we can do if the Board chooses.

A brief discussion followed regarding the possibility of going out of state for the RFQ.

Commissioner Driscoll asked about Applied Concepts. Karen relayed they have worked under municipality rules and regulations, not county rules and regulations. They were probably dealing with a lot more details on their projects.

Commissioner Grandstaff asked how they were going to fund the consultants. Karen replied the funding comes from the settlement fees and once that runs out, the county will be billed monthly.

Citizen Rick Fuhrman stated by listening to this conversation, he agrees with Commissioner Thompson. He hears there are two groups that qualify with a concern of a conflict of interest. He stated the Planning Director should make a recommendation to the Board, and given the objective of what they are going to be hired for, should they go back to bid. Commissioner Rokosch replied he thinks the Board is currently considering Karen's concerns.

Commissioner Chilcott stated due to the possible conflict of interest; WWC might be the only choice.

Alex replied there isn't necessarily a conflict on this issue. You have set up a pool of qualifying applicants in order to choose one.

Commissioner Rokosch stated he is still not clear if the time frame constraints will limit them in going back out for an RFQ. There are compelling reasons not to move forward and an effort to broaden that pool, particularly going out of state.

Karen stated the time frame depends on the consultants. They have had an updated preview and it will depend on how fast they can get back to the planning staff.

Commissioner Rokosch asked what would be involved in recirculation the RFQ. Karen stated it is already open and it can stay open. They could expand their advertising to different geographical locations. Commissioner Driscoll noted they might obtain better 'deals' from smaller firms.

Commissioner Chilcott stated he doesn't agree in soliciting firms outside of Montana as our environmental health laws are different. He would like to keep the work as local as

possible. Due to time constraints he feels they should accept the qualifications of WGM and WWC, while still reviewing the qualifications of later submittals. Commissioner Grandstaff agreed as did Commissioner Driscoll.

Commissioner Chilcott made a motion to accept WWC and WGM Companies for the consulting pool and to look at other firms with further advertising over the next 10 days. Commissioner Thompson seconded the motion.

Commissioner Thompson stated he would like to see Dave DeGrandpre from Land Solutions contacted. Commissioner Rokosch added he would like to see the Sonora Institute contacted as well.

Commissioner Rokosch requested any further discussion, hearing none. All voted "aye".

In other business the Board met to discuss the Planning Program Enhancement Proposal and Timeline Benchmarks. Planning Director Karen Hughes gave a brief summary including a proposal to the Brainerd Foundation in order for planning to partner with various entities such as Land Trust, Bitterrooters for Planning, the development community, land conservationists, etc. She stated they would like to discuss the planning priorities as follows:

- County wide zoning
- Streamside Setbacks
- Open Lands Program
- Updating and modernizing Planning rules and regulations

A brief discussion followed regarding the Brainerd Foundation proposal. Karen explained in order to move forward with the proposal there is a need for a Memorandum of Understanding between the Land Trust and Ravalli County. She suggested they hire a planning consultant that could work with the oversight committee. This oversight committee will actually provide fiscal oversight of non-county funds for various zoning issues.

Commissioner Grandstaff asked who selects the oversight committee. Karen replied the oversight committee is selected by the Land Trust.

Commissioner Grandstaff stated she thought that the Streamside Setback Committee and the Open Land Boards worked independently. Karen said that they do work independently, however planning oversees them. Commissioner Chilcott stated all boards sit under a county department.

Brief discussion followed regarding the existing boards the planning staff assists.

Commissioner Rokosch asked if funding could be allocated towards comprehensive planning. Karen stated they need baseline zoning in order to move forward on the other

issues such as the streamside setback. Commissioner Rokosch asked if countywide zoning was at least a 50% priority. Karen replied it is.

Commissioner Rokosch asked about the November 2008 timeline for zoning and if there could be an extension or buffer in the time line for the Request for Proposals (RFP).

Karen stated before the RFP is issued the Board will sign off on it. One area the consultant will need to look at is the progress of the countywide zoning. Commissioner Rokosch stated his intentions were to provide a buffer if necessary. Karen stated she can give her point of view as a planner, and it is better to have a quality product than meet a timeline. She explained she will try to stay within the timeline but restated it is better to have a quality product.

Commissioner Chilcott asked Karen what she needs to move forward. Karen replied she would require Board approval to move forward and one Commission Member to be a representative of the oversight committee.

Commissioner Chilcott made a motion to approve the Planning Program Enhancement Proposal as presented. Commissioner Driscoll seconded the motion and all voted 'aye'.

Commissioner Rokosch stated they need to appoint a member of the Commissioners to be a representative of the fiscal oversight committee of non-county funds for zoning purposes. The Board appointed Commissioner Driscoll to be the representative.